

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: § CHAPTER 11
§
AZTEC OIL & GAS, INC. and § Case No. 16-31895
AZTEC ENERGY, LLC, et al., §
§
Debtors. § Jointly Administered

AZTEC OIL & GAS, INC. and §
AZTEC ENERGY, LLC, §
§
Plaintiffs, §
§
vs. §
§
FRANK FISHER, ROBERT SONFIELD §
L. MYCHAL JEFFERSON, II., § Adv. Proc. No. 16-03107
LIVINGSTON GROWTH FUND §
TRUST, and INTERNATIONAL §
FLUID DYNAMICS, §
§
Defendants, §
§
vs. §
§
JEREMY DRIVER, DR. KENNETH §
LEHRER and MARK VANCE, §
§
Third Party Defendants. §

UNOPPOSED MOTION TO WITHDRAW AS COUNSEL OF RECORD

TO THE HONORABLE JUDGE DAVID JONES
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, the law firm of Christian, Smith & Jewell, LLP (“CSJ”), attorney of record for Aztec Oil & Gas, Inc. and three of its directors - Third-Party Defendants Jeremy Driver, Dr. Kenneth Lehrer and Mark Vance (collectively the “Third-Party Defendants”) - in the above captioned adversary proceeding and files this motion to withdraw as counsel for the Third-Party Defendants as follows:

1. Although they are not parties to the bankruptcy, Directors Jeremy Driver, Dr. Kenneth Lehrer and Mark Vance are presently third-party defendants in the above-referenced adversary proceeding. Pursuant to a previously filed motion to disqualify CSJ and the Court's gracious guidance, the Third-Party Defendants agreed to find (and have already engaged) new counsel.
2. As such, CSJ seeks to withdraw as counsel for the Third-Party Defendants in the above referenced adversary proceeding. CSJ will continue to represent the Debtor and its affiliates.
3. The Third-Party Defendants have chosen new counsel, which will prevent any possible delay to the Court or Debtor. New counsel for the Third-Party Defendants, Beck | Redden, LLP, has stated to CSJ that Mr. Alistair Dawson will file an appearance on behalf of the Third-Party Defendants and appeared on their behalf at the July 20, 2016 hearing.
4. Although the Third-Party Defendants expressly consent to this withdrawal, notice of this motion will be provided to each them as follows:

Mr. Jeremy Driver - via e-mail at *jeremy@aztecog.com*
Dr. Kenneth Lehrer - via e-mail at *drken@lehecoserv.com*
Mr. Mark Vance - via e-mail at *markvance11@yahoo.com*

and to new counsel as follows:

Mr. Alistair Dawson
Beck Redden LLP
1221 McKinney St., Suite 4500
Houston, TX 77010

- and via email to adawson@beckredden.com

5. Therefore, the law firm of Christian, Smith & Jewell, LLP is voluntarily withdrawing as counsel for the Third-Party Defendants, and Gary M. Jewell and Kristin N. Rhame are withdrawing as attorneys-in-charge and counsel of record.

WHEREFORE, PREMISES CONSIDERED, Movant Christian, Smith & Jewell, LLP,

the attorney of record for the Third-Party Defendants respectfully request that this Court enter an Order allowing CSJ to withdraw as counsel of record and Gary M. Jewell and Kristin N. Rhame as attorney-in-charge, and for such other and further relief to which they may be justly entitled.

Respectfully submitted,

CHRISTIAN, SMITH & JEWELL, L.L.P.

By: /s/ Gary M. Jewell
GARY M. JEWELL
Texas Bar No. 10664800
gjewell@csj-law.com
KRISTIN N. RHAME
Texas Bar No. 24060794
2302 Fannin, Ste. 500
Houston, Texas 77002
Telephone: (713) 659-7617
Facsimile: (713) 659-7641

ATTORNEYS FOR PLAINTIFFS
AZTEC OIL & GAS, INC. and
AZTEC ENERGY, LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on this the 19th day of July, 2016, I communicated with Mr. Johnie Patterson via e-mail and he stated that he was not opposed.

By: /s/ Gary M. Jewell
GARY M. JEWELL

CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of July, 2016 that a true and correct copy of the foregoing was served via electronic mail to all parties requesting ECF Notice.

By: /s/ Gary M. Jewell
GARY M. JEWELL